



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/744,212	03/07/2001	Jyoti Kiron Bhardwaj	WLJ.071	4027
20987	7590	07/12/2005	EXAMINER	
VOLENTINE FRANCOS, & WHITT PLLC ONE FREEDOM SQUARE 11951 FREEDOM DRIVE SUITE 1260 RESTON, VA 20190			DEO, DUY VU NGUYEN	
		ART UNIT		PAPER NUMBER
				1765

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/744,212	BHARDWAJ, JYOTI KIRON	
Examiner	Art Unit		
DuyVu n. Deo	1765		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 20 April 2005.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-26 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-10 and 13-26 is/are rejected.

7) Claim(s) 11, 12 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10, 13-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laermer et al. (US 5,501,893) and admitted prior art.

Laermer describes an etching method for comprising repeatedly performing the steps: etching a material using a plasma (col. 3, line 68); depositing a passivation layer on the surface of the etched feature (col. 4, line 26). The etching step includes selectively removing the passivation layer from the base of the etched feature in order that the etching proceeds in a direction perpendicular to the material (col. 4, line 54-56). This would read on claimed partially removing the passivation from the surfaces of the etched feature in order the etching of subsequent etching process cycles proceeds in a direction substantially perpendicular to the film surface. Unlike claimed invention, Laermer doesn't describe at least one of steps etching and depositing is performed in the absent of a plasma. However, other alternative ways of etching such as wet or vapor etching, using HF and alcohol, and depositing such as a plasma or energetic radiation (absent of plasma) is well known to one skilled in the art as discussed in pages 1, 3, and 4 of the specification. Therefore, at the time of the invention, using other technique for etching

including wet, vapor etching or depositing such as energetic radiation (absent of plasma or photo-enhanced polymerization) would have been obvious in order to etch a substrate and deposit a passivation layer with a reasonable expectation of success.

Referring to claim 13, using nitrogen for purging between steps or as a gas carrier is well known to one skill in the art (please see cited arts below).

Referring to claim 16, the polymer would be of the formula since the gases using contains C and F such as CHF₃ (claimed precursor). Referring to claim 18-20, page 4 of specification further describes the photo-enhance polymerization and by means of irradiation which are known and practiced by one skilled in the art. Referring to claims 21, 23, the ion energy such as 10eV would have been obvious to be determined through test runs and the etching gases (col. 6, line 11-20) would be capable of physically removing the passivation layer with chemical enhancement.

3. Blackwood et al. (US 4,749,440), col. 4, line 68-col. 5, line 2, and Cleavelin et al. (Semiconductor International Nov. 1987), pg 96, are cited to show prior art.

Claim Rejections - 35 USC § 112

4. Claim 26 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear to what step of the process the processing parameters of claim 26 referring to, a, b, or c step. At this time, claim 26 has not been considered under prior art because of the above indefiniteness.

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claim 26 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Page 19 discusses the using of various chemistries (disclosed in claim 16) for etching. However, it is describing the prior art or conventional processes. It doesn't describe that these chemistries being used in the present invention or in any steps disclosed in claim 1.

Response to Arguments

7. Applicant's arguments filed 6/24/03 have been fully considered but they are not persuasive.

It appears that applicant argues the unexpected result that performing at least one plasmaless step with other plasma based or plasmaless steps would achieve highly anisotropic etching. However, applicant has not provided facts comparing between applied prior art and the

Art Unit: 1765

claims. At this time, all these plasmaless and plasma processes are known to one skilled in the art at the time of the invention; therefore, using any of these techniques would be obvious in order to form a device structure with a reasonable expectation of success.

Allowable Subject Matter

8. Claims 11-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 11, 12 are allowable because applied prior art doesn't suggest that material or film being etched is a conductor, preferably an Au or Pt conductor. Primary reference, Laermer, describes etching silicon.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DuyVu n: Deo whose telephone number is 571-272-1462. The examiner can normally be reached on 6:00-2:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton can be reached on 571-272-1465. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1765

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Primary Examiner
Duy-Vu N. Deo
7/8/05

dv